pp F. IX-4

1940. (Jarmy)

File No. 148-40.

Serial Nos. 7-12

Previous References.
Jarmy 148-40-3-4.
" 148-40-1-2
" 165-40-1-2
" 148-40-5-6.
" 129-39-1-2

Later References: Jarmy Sub 130-40. PRESERVED
Jarmy 242-41-1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 6.

Part B for September 1941.

SUBJECT.

O.S. No 17/34-35. Government -vs- M.J. Ley (Jarmy Sri Commissioner vs M.J. Ley - Jarmy Sri Commissioner & others) on the file of the Additional District Judge Bangalore

Gr. O. No 2551-3 dated 21-8-1941.

Mr Jarmy Sri Commissioner
Complaints
Dy. Com:, Mandya Dt:
Dy. Com:,

Comments on proposal

6-10-41

G R. S. APP E. III—1]

GENERAL AND REVENUE SECRETARIAT.

(Mung)

NOTES. File No. [illegible]

FILE HEADING.

O.S. No 17/3 e-II (Expenditure [illegible]

FROM

[illegible]

No. [illegible] Dated [illegible] Received [illegible]

Diary No. [illegible]	Encls.	Spare copies	Serial No. 7

BRIEF ABSTRACT OF LETTER

[illegible]

NOTES AND ORDERS.

On the present occasion (October 1940) the Municipal Commissioner held the view that it is only the interest accruing on the permanent funds of the Municipality that is liable to contribute to the Civil Police charges and not that on the Special Endowment Funds also. Now he has held a different view. He has said that the advances [illegible] Rs. 66,5[illegible]-4-9 of the Civil Police charges should be recovered from both the Special Funds and the [illegible]

NOTES—First Sheet

WD 077 —GPB—5,000—11-9-40

6342/640

File No. 166 of 194 0

G
Secr

Funds proportionately out of the interest on the said Funds by annual instalments of Rs 1000 and that Ltr No 2/V. dated 18.11.1940 may be modified accordingly. In case it is held that both these funds are liable to bear the litigation charges of Rs 1330-9-6 in question it is for consideration why the other half that is ordered to be borne by Board should not also be debited and credited to the General Mangala Funds as it is quite unusual to borrow such advances from Gen Mangala Funds to conducting private litigation Ruled for others. There is no reason to [illegible]

23/4 ES 30/4

2- The special endowments are in the nature of trusts for purposes specified by the donors. Whether these could be tendered with the costs is a matter on which legal opinion seems necessary

Sd
3/5

For favour of remarks

Sd
3/5

Sd
3/5

Hm
2
5/5/41

3
5/5/41

GENERAL SECRETARIAT
3 MAY 1941
3137

REVENUE DEPT.
MAY 1941
MYSORE

REV SECRETARIAT
Law
15 - MAY 1941
LEGISLATION BRANCH

Law 16 4
5/5

Serial No.

5 The general principle is that trusts created for a special purpose cannot be utilized for another purpose.

The extent of the special endowment in question is as shown in the — the full relating. It may, however, be put up for purpose of reference.

Asst Secy Mysore WE 3 6/6/41

7 A draft to the Mysore Govt calling for a copy of the Trust deed constituting the Special Endowment Fund, is perhaps.

BT 9/6 8 for Secy

2 78 dated 12 6 41 to the Mysore Govt

9 It is reported that no trust deed relating to the Special Endowment Fund of Rs12,611 is available and that it was on the basis of the records, accounts and other documents furnished by the Trustees and on the deposit of certain

NOTE—Contn Sheet.

21/P

Aug. File No. 168 of 1940. | General and Revenue Secretariat

Serial No.

that the exact amounts that Consolidated the Special Endowment ~~Fund~~ and the Permanent Funds with which were determined.

10 Reference ¶ Paras 5 and 6 Despatch

BT 10/7/41 (Secretariat Law) 2 10/7

3 12/7/41

Law 14 of 41
12th July 1941

11 The point referred to in Para 6 has not been answered. Legal opinion is required as to the meaning of the words in Para 2 given under (iii) "The Special Endowments ... necessary"

It is not possible to answer this question until it is known exactly what is "the purpose specified by the Donors" in respect of the use of the Special Endowment. This point may please be made clear.

(Secretariat Revenue) 3
21/7/41

13 A detailed enquiry with the M.C.S. is perhaps

14 Done

BT 22.7.41

TYPING SECTION
22 JULY 1941

Serial No.	
10	94 dated 23.7.1941 to The Municipal Commissioner— Requests him to furnish him exactly for the purpose specified by the Trustees with view of the Board for reference.
11	Letter No M.C 120/34-55 of 5.8.41 from The Municipal Commissioner— Forwards a Statement showing the purpose specified in respect of the vacant, the Municipal Commissioner proposes on the basis, of which it will be possible for the Board to decide whether the 6 x - Trustees.

(15) The Municipal Commissioner has sent a Statement showing the specific purposes of the Special Endowment. The file may be sent to the Law Section for further action with reference to paras 11-12 supra.

BK
14/8/41

(Asst Secy Law)
14/8/41

Mr Jhaveri Statement Flag A is presumed that the Board intends that the Trust be utilized for the purposes mentioned therein. If so, therefore the Trust was entirely to be used, care to be taken, that the Trust may be utilized in a manner more or less similar to the original purpose. But in the present

NOTE—Contn. Sheet.

911
1 2

Mlng File No. 168 of 1940. | General and Revenue Secretariat

Serial No.

case, the Trust account is to be utilized to pay off litigation charges & [illegible] as the said person is entirely different in character from the injured person, I feel that the Trust money cannot be utilized to pay off litigation charges. The request of the Muzaffarnagar Commissioner does not seem to be tenable in law, as such it may not be sanctioned

Asst Secretary) 3
14/8/41

1 - 3 GOVT O

1) The suggestion of the Muzaffarnagar Commissioner seems to be quite legal and suitable. The costs of litigation may be apportioned among the trust funds which were the subject matter of litigation. The costs were incurred for the preservation of the various trusts and hence from a charge on them

2) The recommendations of the Muzaffarnagar Commissioner may be approved.

Hm 2
15/8/41

Dy Secy - Muzaffarnagar file)

3
15/8/41

The proposal made by the Commissioner in his letter of 16.4.41 may in the circumstances explained be approved

Hm
16/8

Secy Minister for Finance)

2nd 16/8/41

21/8/41

18/8

18/8/41

GENERAL SECTION
1 AUG 1941
882

OFFICE OF THE MINISTER FOR FINANCE & REVENUE
15 AUG. 1941
No. 826

Serial No.	
	(22) A draft G.N. Saved is putting BS 20.8.41
12	351 is dated 21.8.41 The Income Tax Law Section for kindly taking back the link Roll file Law 110-74 and ~~returning~~ forwarding the ~~file~~ papers to the Income Tax Branch BS. 5/9/41 The linked file Law 110-74 is taken and this file is herewith returned 5/9 (Income Tax Branch)

SIMLA
9 AUG. 1941

1/9/41

NOTE—Contn Sheet.

File No. of 194

Serial No.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Encl: *Bangalore,* 16th April 1941.

Muzrai 148-40-7

FROM Rukn-ul-Mulk S.Abdul Wajid, Esq., B.A.,
Muzrai Commissioner in Mysore,

17 APR. 1941 1541

To

J. Appaji Gowda, Esq., B.A.(Hons.),
Secretary to the Government
of His Highness the Maharaja of Mysore,
General Department, Bangalore.

GENERAL SECRETARIAT 17 APR. 1941

Re: the recovery of litigation charges advanced by Government in connection with O.S.17 of 34-35 (Government by the Muzrai Commissioner, VS. M.T. Narayana Iyengar and others) on the file of the Additional District Judge, Bangalore.

----:o:----

B

With reference to Government Order No.1053-4/Muz.148-40-2, dated 18th November 1940 sanctioning the recovery of one half namely Rs.665-4-9 of the above litigation charges advanced by Government by annual instalments of Rs.100/- out of the interest realised on the permanent funds of the Mutt, and waiving the recovery of the other half of the charges viz., Rs.665-4-9, I have the honour to state that the Sri Yathirajaswamigalu has represented to me that the litigation against the Ex-Trustees of the Mutt was conducted generally for the recovery of the amounts due to the Mutt, and not individually for the recovery of special endowment funds, or the permanent funds of the Mutt, that the order directing the recovery of half the charges advanced by Government from the interest on the permanent funds of the Mutt, is working very hard on the small amount of interest he has been getting for the Mutt expenses, and that Government may waive the recovery of the other half of the litigation charges advanced by them.

2) The total assets of the Mutt are Rs.19,518/- out of which, Rs.12,615/- constitute the Special Endowment fund and Rs.6,903/- the permenent funds of the Mutt. As the litigation against the Trustees was conducted for the recovery of both these funds, it is but just that both these funds should meet the charges of litigation in proportion to the corpus of each fund. I, therefore request that sanction of Government may kindly be obtained to adjust half of the tion

from the interest on the Special Endowment and Permanent Funds of the Mutt by annual instalment at Rs.100/- and the Government XZ Order dated 18th November 1940 modified accordingly.

3) As Government have already waived the recovery of one ha of the charges as a Special case, the other half of the charges advanced, should be repaid by both the funds. I have replied the Swamiji that his request to waive the recovery of the other half of the charges is not feasible.

I have the honour to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

BRN.

Appendix F G—1]

SUBJECT.....

.....

.....

Section Misc

File No. 168-49

Serial No. 8

Diary No. of letter replied to 1541

No. 2987

To

General and Revenue Secretariat

( )

the *19*

The Mysore Comm

Sir,

Date of issue 12th June '41

With reference to your letter No H.C 120/34-35 dated 16.4.41 regarding the levy of Litigation Charges advanced by Govt in connection with O.S. No 17 of 1934-35 (Govt by the M.C Vs M.T. Narasimha Iyengar and others, on the files of the Addl Dt Judge Bangalore, I am directed to request you to be so kind as to forward for reference and return a copy of the Trust deed relating

Signed by M.S.K.V

List of enclosures.....

Copied by .....

Examined by .....

to the Special Endowment Fund of

Rs 12.615:

Thanks

Dr 9/6

For good very types

9/6

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. 2987 Muz 148-40-8 *Dated Bangalore,* .....12th June 1941.

FROM

The Secretary to Government of His Highness
the Maharaja of Mysore,
General Department.

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

With reference to your letter No.H.C.120/34-35 dated 16th April 1941, regarding the recovery of litigation charges advanced by Government in connection with O.S.No.17 of 1934-35 (Government by the Muzrai Commissioner VS M.T.Narayana Iyengar and others, on the file of the Additional District Judge, Bangalore, I am directed to request you to be so good as to forward for reference and return a copy of the Trust Deed relating to the Special Endowment Fund of Rs.12,615/-.

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government,
General Department.

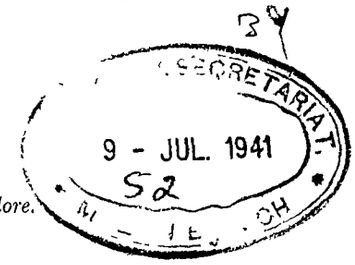
OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 7th July 1941.

Rukn-ul- Mulk

FROM

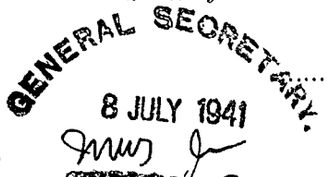
S. ABDUL WAJID, Esq., B.A.,
~~K. ANANTARAMAN, Esq., B.A.~~
Muzrai Commissioner in Mysore,
Bangalore.



To

J. Appaji Gowda, Esq., B.A.(Hons.),
Secretary to Government of His Highness the Maharaja of Mysore,
General Department,

Mus Z 148-40-9.



SIR,

Re: recovery of litigation charges advanced by Government in connection with O.S.17 of 34-35, on the file of Additional District Judge, Bangalore. (Muzrai Commissioner Vs. M.T. Narayana Iyengar and others).

With reference to your letter No.2987/Muz.148-40-8, dated 12th June 1941 calling for a copy of the Trust Deed relating to the Special Endowment Fund of Rs.12,615/-, I hav the honour to state that there is no trust deed relating to the above Endowment of Rs.12,615/-. It was on the basis of the records, amounts and other documents furnished by the Trustees, and on the report of audit thereon, that the exact amounts that constituted the Special Endowment and the Permanent funds of the Mutt were determined.

I have the honour to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

BRN.

Appendix F G—1]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. 94/—

To

The Munsif Commissioner

Sir,

General and Revenue Secretariat

( )

the *19* .

Date of issue.....

Signed by .....

With reference to correspondence ending with your letter No M.C 120/34-II dated 16.4.1941 regarding the leading of Civil Cases charges advanced by Govt in connection with the O.S. No 17/1934-35 of Govt by the Munsif V.S.M.T. Narayana Iyengar and others) on the file of the Addl Sr Judge, Bangalore, I am directed to request you to be so good as to intimate what exact

List of enclosures.....

Copied by .....

Examined by .....

WD 086—GPB—40,000—30-7-40

is the purpose specified by
the Donor" in respect of the use
of the Special Endowment

Thanks

for 2017
Dr Paul Langdon
DDS
22/7

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. 94/ Rum 3 148-40-10 *Dated Bangalore,* 23rd July 1941.

From

The Secretary to Government of His Highness
the Maharaja of Mysore,
General Department.

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

With reference to correspondence ending with your lette No.H.C.120/34-35 dated 16th April 1941 regarding the recovery of litigation charges advanced by Government in connection with the O.S.No.17/1934-35 (Government by the Muzrai Commissioner VS M.T.Narayana Iyengar and others) on the file of the Additional District Judge, Bangalore, I am directed to reques you to be so good as to intimate what exactly is "the purpose specified by the Donors in respect of the use of the Special Endowment.

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government,
General Department.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 5th August *1941.*

Muz 148-40-11

GEN. & REV. SECRETARIAT
8 - AUG 1941
211

RUKN-UL-MULK
S. ABDUL WAJID, B.A.,
Muzrai Commissioner in Mysor
Banga[illegible]

GENERAL SECRETARIAT
8 AUG. 1941

J.Appaji Gowda, Esq., B.A.(Hons.),
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department*

SIR,

Re: Recovery of litigation charges advanced by Government in connection with O.S.17 of 34-35 on the file of Additional District Judge Bangalore (Muzrai Commissioner Vs. M.T.Narayana-Iyengar and others).-

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With reference to your letter No.94/Muz.148-40-10 dated 23rd July 1941, on the above subject, I have the honour to forward herewith a statement showing the purpose specified in respect of the use of the Special Endowment prepared on the basis of the audit report and the records furnished by the Ex-Trustees.

I have the honour to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

PRN.

Statement showing the purpose specified in respect of the use of the Special Endowment.

No.	Purpose of the Fund.	Original Amount.	Accrued Interest.	Total amount held under Charitable Deposit.
		Rs.	Rs.	Rs.
1.	Vairamudi Thadiyaradanam Fund.	3,235/-	1,200/-	4,435/-
2.	Milk Sevartham Fund.	1,000/-	120/-	1,120/-
3.	Pongal Alankaram and other Sevartham Fund.	3,125/-	600/-	3,725/-
4.	Previous Swamy's Tiru-Nakshatram Fund.	1,250/-	450/-	1,700/-
5.	Sri Yeggamma's Endowment Fund for monthly Tiru-nakshatram Seva.	525/-	60/-	585/-
6.	Mr. M.A.Srinivasaswamy's Endowment for Sevartham in Vanamamale Mutt.	50/-	..	50/-
7.	Sri.M.A.Srirangamma's Endowment for Seva on the Thadinam Day.	1,000/-	..	1,000/-
	Total:-	Rs.10,185/-	2,430/-	12,615/-

M. N. Ramaswamy

For Muzrai Commissioner.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :—

Government Order No.10[illegible]-4/ Huz.142-40-5 dated 10th September 194[illegible] sanctioning the recovery of one half thereof, viz., Rs.[illegible]-4-0 of litigation charges advanced by Government from the Special Rural Funds in connection with the Suit No.17 of 19[illegible]-[illegible] (between the Rural Commission rep. by C.[illegible]Narayana Iyengar and others) on the file of the Additional [illegible] Court, Mandya, by annual instalments of Rs.10/- out of the income realised on the new areas formed by the Mysore Chalavali but at present in civil possession of the plaintiffs in the said suit.

[illegible] correspondence [illegible] Government Order No.[illegible]-[illegible] dated 10th September 194[illegible] the Rural Commissioner has sent proposals for the disposal of the Special Reserve and Permanent Funds of the Rural Development Board, amounting to Rs.[illegible]-[illegible]-0 referred to in the [illegible] paragraph read above preferentially for the purpose of the Special Reserve and permanent funds of the Rural Development Board, amounting to Rs.100/- the said Government Order being required to be [illegible] accordingly.

251-3/Huz/42-40.12/G.Record

Office, Mandya, 21st September 1942.

It is reported that the Panchayat Adhyakshas of the Taluk Kolhars representing to the Rural Commissioner that the litigation charges in the suit of the ex-Proprietors of the pattu were recovered partially, for the recovery of both the Special Development Funds and the Permanent Funds of the Suit, that the Government Order read above is working very hard on the small amount of interest he has been getting for the Suit expenses and that Government may waive the recovery of the other half of the litigation charges advanced by them. The Rural Commissioner has also

hat the total assets of the 'utt are 'r.19,513 out of which
Rs.12,615 constitute the Special 'ndowment fund and 'e.7?C3,
the Permanent funds of the w'l and that as the litiga'ion against
the Trustees was conducted fo. the recovery o. tho' ... nor i'
is lur' that ho' ... sh'l ... ...ga-
'ion in proportion to 'e ... requested in rectifica'... ... to ad' ... li'i'... ... mpm-
'... 2, ... to ... special ... funds ... 'e ... amo' ... ...

... 'e ... are ... to ... the
recommendation o. 'e ... ...

... General ... o. ...

... ...
... ...
... ...

G. R. S App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to ..... 211 .....

Section Misc

File No. 116-40

Serial No. 12

General and Revenue Secretariat

( )

the *194* .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue ..... 21-8-1941.

Signed by .....

Read— G.O. No. 1053-4/Misc 146-40-2 dated 15.11.1940 sanctioning the recovery of one half namely Rs 655-4-9 of the litigation charges (advanced by Govt. from the Govt Mysore Funds) in connection with the suit O.S. No. 1 of 1939-40 of Civil Judge (Sr. Dn.) Bangalore and also in the case of Mysore Iron & Steel Works Ltd. vs the Additional District Judge Bangalore, and ordering accordingly amounts to Rs 100/- in the interest to be debited in the relevant heads of the Yadtiga Mudra at Melkote and Narasimha

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Order ~~thereon~~ No.

dealing with other heads of the said charges.

(2) Correspondence ending with letter W.C. 120/34-35 dated 5.8.1936 from the Municipal Commissioners of Ellore requesting in the circumstances explained therein, sanction to acquire land for the Irrigation channel by R.O.C. 4-5-4, referred to in the Govt. Order 2nd above, particularly from the interest on the Special Endowment and Reserve Funds with Sri Jallipalli Ramaiah at Nellore by annual instalments of Rs/100, the said Govt. order mentioned accordingly.

List of Enclosures

Order 2nd 2 51-3 / Our Records. 21-1-36

It is explained that the Chairman of Sri Jallipalli Ramaiah at Nellore represented to the Municipal Council that the Irrigation channel runs the Out-skirts with which has been acquired generally for the dealing of the Special Endowment Funds

Copied by

Examined by

G. R. S. App. F. G. S.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

and
& the Permanent Funds of the Trust, that the Govt. Secretariat is working very hard on the Board among other things he has been getting for the M & L expenses are clear from may waive the levying of the other half of the Inspection charges ordered by them. The Municipal Commissioner has stated that the total assets of the Trust are Rs 19,576 and out of which Rs 12,615 constitute the Pilgrim Conservancy Fund and Rs 6903, the Permanent Funds of the Trust and that as the Inspection Agency the Trustees has conducted for the levying of both these funds it is but just that both these funds should meet the charges of Inspection in proportion to the Corpus of each fund. He has therefore suggested [illegible] Government to waive half the

WD 0280—GPB—22,500—14-3-38

litigation charges advanced by them
proportionately from the interest
on the Sch Endowment and
permanent funds of the Mutt
by annual instalments of
Rs 100.00 each.

In the circumstances
I feel we should to sanction
the recommendation of the
Hon'ble Commissioner

Yours faithfully

I. Paul Devaprasad
20/8

The Municipal Council
Coimbatore
D.C Headquarters